

Midwestern Intermediate Unit IV

THE EDUCATION SERVICE AGENCY FOR SCHOOLS IN BUTLER, LAWRENCE & MERCER COUNTIES

CC Docket NO. 02-6

Request for Review

Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554
Fax No.: 202-418-0187

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Federal Communications Commission
Office of the Secretary

Denied amount - \$67,680.00

Re: Form 471 Application Number: 472637
Funding Year 2005: 07/01/2005 - 06/30/2006
Billed Entity Number: 125489
Billed Entity Name: Intermediate Unit 04
Applicant's Form Identifier: ISP
Administrator's Decision of Appeal - Funding Year 2005-2006
Appeal Decision Date: January 04, 2006
Decision of Appeal: Denied

Funding Request Number: 1302394
Spin: 143004686
Service Provider Name: Stargate Industries, LLS

Case Number: 21-276208

Funding Commitment Decision: \$0.00 Unauth. Consortium Members

Funding Commitment Decision Explanation: Consortium leader has failed to provide evidence of authority to file Forms 471 on behalf of, or evidence of the membership of, a substantial number of the members included in this consortium.

APPEAL: Midwestern Intermediate Unit IV is appealing our denial of funding for the 2005-2006 school year.

The consortium has been in place since e-rate began. All members have been included since that time. There have been no changes.

From SLDs websites: "In certain situations, other documentation may be accepted as proof of authorization. For example, for consortium applications, the consortium lead member must either collect Letters of Agency from each consortium member or be able to provide some other proof that each consortium member knew it was represented on the application. Consortia which have a statutory or regulatory basis and for which participation by schools or libraries is mandatory must be able to provide documentation supporting this certification, including copies of the relevant state statute or regulation."

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We are a Consortia regulated by state statute. We have previously provided this information to the SLD and they have accepted this. Letters of Agency should not have been necessary in this case. Each consortia member attends monthly meetings and receives a bill identifying the E-Rate portion of the bill. Each superintendent represented knows that they are part of the MIU4 Consortia.

The RFP for the funding was for a 3 year commitment. We asked consortium member schools at that time to agree to a 3 year commitment. A form 470 did not need to be filed since it was a 3 year commitment. All consortium members were the same as the previous year.

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